

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

WILEY ZACHARY CARROLL

PLAINTIFF

VS.

CIVIL ACTION NO. 4:05CV53LS

**A. ANDERSON, UNKNOWN NICK
and UNKNOWN GREENLEAF**

DEFENDANTS

ORDER

This matter came before the court on two Motions to Compel filed by the Plaintiff. The first Motion to Compel sought an order requiring the Defendants to respond to Interrogatories and Requests for Admission served by the Plaintiff. Because the Omnibus Order entered by the court outlined the scope of permissible discovery and did not specifically permit the Plaintiff to serve discovery requests on the Defendants, that Motion will be denied. The Plaintiff's second Motion to Compel states that he has not received all of the records that the Omnibus Order required the Defendants to provide, particularly records involving Maurice Acker's assaults on other inmates.

In response to the original Motion, counsel for the Defendants represented to the court that they had produced copies of all RVR's in Acker's file that involved altercations with other inmates, regardless of who initiated the incident. In his second Motion to Compel, Carroll argues that he has received a "Cell/Bed Assignment Form" for Acker on which is written, under the criteria for assaults on other inmates, "Yes x 18." Carroll alleges that he has only received three RVR's for attacks on other inmates and six RVR's for fights with other inmates, but he believes that the form indicates that there are eighteen such incidents. Normally, the court would not make further inquiry into the representation by an attorney, as an officer of the court, that he has produced all documents responsive to a court order. However, in the interest of fully assisting this *pro se* inmate with his

discovery efforts, the court will require counsel for the Defendants to make inquiry as to the number of such incidents that have occurred and report to the Plaintiff and to the court as to the discrepancy between the form and the number of documents produced.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for an Order Directing Defendants to Answer Plaintiff's Interrogatories and Admissions is hereby **denied**.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Compel Defendants to Fully Comply with Discovery Order is hereby **granted** in part and **denied** in part, as explained above. The Defendants shall report to the court and the Plaintiff on or before February 12, 2007.

IT IS SO ORDERED, this the 17th day of January, 2007.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE